

3736

Attorney Docket: 65937-0003  
S.N.: 09/864,031

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

# 9  
St.  
10-9-2

In re application of: Miller et al.

Group Art Unit: 3736

Serial No.: 09/864,031

Examiner: Marmor, C.A.

Filed: 05/23/2001

Paper No.: 9

For: BIOPSY APPARATUS

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TECHNOLOGY CENTER R3700

Commissioner for Patents  
Washington, D.C. 20231

## CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

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*Kathryn L. Nash*  
Signature

Date: September 27, 2002

Kathryn L. Nash

**RESPONSE TO ELECTION/RESTRICTION REQUIREMENT**  
**PURSUANT TO 35 U.S.C. 121**

Dear Sir:

This response addresses the Election/Restriction requirement dated 09/10/2002, with respect to the above-identified patent application.

1. Restriction under 35 U.S.C. 121

The Examiner indicated that the patent application contains the following distinct inventions:

- I. Claims 1-3, drawn to tissue cutting devices having a handpiece, a cannula hub, and a tube disposed within an elongated channel in the outer surface of the handpiece and extending to a fluid port in the cannula hub, classified in class 600, subclass 563.
- II. Claims 5 and 6, drawn to a tissue cutting device including a motor assembly, a vacuum source, and a tissue collection container, classified in class 600, subclass 566.
- III. Claim 7, drawn to a tissue cutting device including a handpiece, a reciprocating motor, and a rotary motor having wings that are slidably supported on rails within the handpiece to resist rotation of the rotary motor, classified in class 600, subclass 568.
- IV. Claims 4, 8 and 9, drawn to methods of performing a tissue biopsy in order to remove tissue from a patient, classified in class 600, subclass 562.

Group I is provisionally elected without traverse. Applicants expressly reserve the right to file one or more divisional applications having claims drawn to the non-elected inventions.

If the Examiner has any questions with respect to this communication, he is kindly urged to call the undersigned.

It is believed that any additional fees due with respect to this paper have already been identified. However, if any additional fees are required in connection with the filing of this paper that are not identified in any accompanying transmittal, permission is given to charge account number 18-0013 in the name of Rader, Fishman and Grauer PLLC.

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Respectfully submitted,

Date: September 27, 2002

By:



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